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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,801	01/09/2004	Hoe-Won Kim	678-1120 (P10743)	1599
28249	7590	09/30/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,801

Applicant(s)

KIM, HOE-WON

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey (WO 00/69190) in view of Alisobhani et al. (US PAT: 6,760,393, filed 5-4-2000, hereinafter Alisobhani).

Regarding claim 1, Dailey discloses a communication method for a mobile communication system, comprising the steps of: determining whether communication is needed between at least two MSs (137a, 137b', fig. 6) located in a service area of one BTS (132a, fig. 6), if the communication between at least two MSs is needed, assigning one common half duplex channel to the at least two MSs (page 16, line 26 – page 17, line 25).

Regarding claim 6, Dailey discloses a method of establishing communication between at least two MSs in a mobile communication system, comprising the steps of: determining whether the callee MS (137b', fig. 6) is located in a service area of one of BTS (132a, fig. 6) connected to caller MS (137a, fig. 6), if the callee MS and caller MS are located in the service area of the BTS, requesting to establish half-duplex message transmission between the caller MS and the called MS (this is implicit in as much as the reference teaches establishing a group call between (137a/caller MS) and (137b'/callee MS served by the same base station 132a in fig. 6), if the message communication

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between the caller MS and callee MS is needed, assigning one common physical half-duplex channel to the caller MS and callee MS, and if message is transmitted over a downlink channel of the half-duplex message channel assigned in common and transmitting the message (page 16, line 26 – page 17, line 25).

Dailey differs from claims 1 and 6 in that although he discloses transmitting messages between caller MS and callee MS; he does not explicitly teach the following: data transmission, and adding header to the data, and transmitting the header and the data to at least two MSs.

However, Alisobhani teaches the following: data transmission, and adding header to the data (reads on addressing), and transmitting the header and the data to at least two MSs (fig. 1, col. 11 lines 10-40).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Dailey's system to provide for the following: data transmission, and adding header to the data, and transmitting the header and the data to at least two MSs as this arrangement would facilitate data transmission between MSs as taught by Alisobhani, thus making Dailey's communication system versatile for use.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Alisobhani as applied to claim 1 above, and further in view of Ohashi (US PAT: 6467059).

Regarding claims 2-3, 5, the combination does not explicitly teach the following: at least two MSs receiving the data reply to corresponding traffic or signal data only when they are indicated as a destination in a header of the data, one of at least two.

MSs has authority to transmit the data over an uplink channel of the half duplex data channel, the replying MS is periodically assigned small-sized uplink space to transmit reporting ACK data for received data.

However, Ohashi discloses wireless transmission system which teaches the following: at least two MSs (reads on 2-3, fig. 1) receiving the data reply to corresponding traffic or signal data only when they are indicated as a destination in a header of the data, one of at least two MSs has authority to transmit the data over an uplink channel of the half duplex data channel, the replying MS is periodically assigned small-sized uplink space to transmit reporting ACK data for received data (figs. 2-3, col. 6 lines 8-48, col. 7 lines 11-17, lines 45-67, col. 8 lines 1-14).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: at least two MSs receiving the data reply to corresponding traffic or signal data only when they are indicated as a destination in a header of the data, one of at least two MSs has authority to transmit the data over an uplink channel of the half duplex data channel, the replying MS is periodically assigned small-sized uplink space to transmit reporting ACK data for received data as this arrangement would provide well known procedure for transmitting/receiving data in half duplex transmission as taught by Ohashi, advantage being it provides a procedure for transmitting data successfully.

Regarding claim 4, the combination teaches the following: authority is removed by transmitting additional information to the BTS when one of the at least two MSs finish

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transmitting of all of data (reads on message, page 20, line 31 – page 21, line 31 of '190).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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